

BEFORE

THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2012-337-T - ORDER NO. 2012-759

SEPTEMBER 27, 2012

IN RE: Application for Sale and Transfer of)	ORDER APPROVING
Certificate of Public Convenience and)	SALE OF ASSETS AND
Necessity for Operation of Motor Vehicle)	TRANSFER OF
Carrier from Boineau's Moving & Storage,)	CERTIFICATE
Inc. to Coleman American Moving Services,)	
Inc.)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the verified Application for approval of the sale and transfer of assets and Class E Household Goods Certificate of Public Convenience and Necessity from Boineau’s Moving & Storage, Inc. (“Boineau’s” or “Transferor”) to Coleman American Moving Services, Inc. (“Coleman” or “Transferee”).

Boineau’s and Coleman request that this Commission waive both notice and hearing requirements in this case, in that both have significant experience in the transportation of household goods, including safety requirements. Further, Boineau’s has held a Class E Certificate in South Carolina since 1945. Other than the owners, the employees, including drivers, warehouse personnel and others involved in day to day operations will remain with Coleman. Further, Coleman will retain all assets and equipment of Boineau’s, a list of which was included with the verified Application. Boineau’s and Coleman state that Coleman has demonstrated that it is fit, willing, and

able to provide the service to the public via information provided in the verified Application, and that no hearing is necessary.

The Office of Regulatory Staff (“ORS”) has no objection to the sale and transfer of the assets and Certificate, or to the waiver of hearing in this case, since Coleman has complied with certain conditions set out by ORS. ORS also states that the sale and transfer are, in its opinion, in the public interest. 26 S.C. Code Ann. Regs. 103-101(2) (Supp. 2011) allows waiver of Commission rules in exceptional cases where compliance presents unusual difficulty and is not in the public interest. In the present case, we hold that this case merits the waiver of the notice and hearing requirements found in 26 S.C. Code Ann. Regs. 103-132 and 103-134, in that both Transferor and Transferee have been in the moving business for a considerable period of time, and they have demonstrated all the necessary requirements for approval of the Application found in 103-135 in the verified Application. The transferee has aptly demonstrated that it is fit, willing and able to provide this service to the public via the information in the verified application and therefore no notice or public hearing is necessary. Given its record, compliance with the notice and hearing regulations therefore presents unnecessary difficulty and is not in the public interest.

Therefore, upon consideration of the merits of the verified Application, and the documentary evidence attached thereto, the Commission finds that, as per Regulation 103-135, (1) the transfer of the Certificate will not adversely affect the service to the public authorized by said Certificate; (2) the Transferee is fit, willing, and able to perform such service to the public under said Certificate. Further, included with the Application

were copies of bills of lading from Boineau's, dated April 1, 2011, and March 14, 2012. We find that in this case, the bills of lading demonstrate the third requirement of the Regulation, that is, that services have been continuously offered and reasonably provided to the public by Boineau's for not less than twelve months prior to the date of the Application. Further, we find that the Certificate is being transferred incident to the sale of the assets.

Accordingly, the sale of assets and transfer of the Certificate are hereby approved, subject to the following conditions:

Coleman shall file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (Supp. 2011) and by S.C. Code Ann. Regs. 103-100 through 103-241 (Supp. 2011) of the Commission's Rules and Regulations for Motor Carriers, and 23A S. C. Code Ann. Regs. 38-400 through 38-503 (Supp. 2011) of the Department of Public Safety's Rules and Regulations for Motor Carriers, within ninety (90) days of the date of this Order, or within such additional time as may be authorized by the Commission.

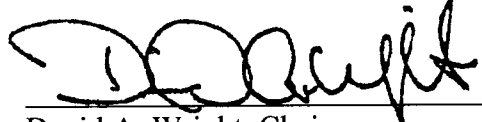
We further hold that upon compliance with S.C. Code Ann. Section 58-23-10, et seq. and the applicable provisions of S.C. Code Ann. Regulations, Boineau's Certificate shall be transferred to Coleman, authorizing the approved motor carrier services reflected therein.

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This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



David A. Wright, Chairman

ATTEST:



Randy Mitchell, Vice Chairman
(SEAL)